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FREEDOM IN THE WORLD

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Iran

Iran | Freedom in the World 2014

2014

OVERVIEW:

In the first presidential election since the disputed 2009 vote in which hard-liner Mahmoud Ahmedinejad won a second term, centrist cleric Hassan Rouhani secured a first-round victory on June 14, 2013. The result underscored the Iranian electorate's support for Rouhani's program of moderation in domestic and foreign policy. However, his ability to deliver on his campaign promises was complicated by the need to negotiate with rival conservative factions that continued to control key institutions, such as the parliament, judiciary, and security forces.

In the months after Rouhani's inauguration in August, some early signs of social and political opening were observed. The new administration adopted a more conciliatory approach and tone with the outside world. At home, Rouhani called for lifting curbs on social-media access and eased restrictions on the press. Nearly a dozen well-known political prisoners were released, including Iran's most prominent human rights activist, Nasrin Sotoudeh, though key opposition leaders remained under house arrest. The new administration also took practical steps to guarantee academic freedom.

2014 SCORES

STATUS

Not Free

FREEDOM RATING

(1 = BEST, 7 = WORST)

6.0

CIVIL LIBERTIES

(1 = BEST, 7 = WORST)

6

POLITICAL RIGHTS

(1 = BEST, 7 = WORST)

6

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 7 / 40 (+1) [Key]**A. Electoral Process:** 3 / 12 (+1)

None of the elections held since the 1979 Islamic revolution have been regarded as free or fair. The most powerful figure in the government is the supreme leader, currently Ayatollah Ali Khamenei. He is chosen by the Assembly of Experts, a body of 86 clerics who are elected to eight-year terms by popular vote, from a list of candidates vetted by the Guardian Council. The supreme leader, who has no fixed term, is the commander in chief of the armed forces and appoints the leaders of the judiciary, the heads of state broadcast media, and the Expediency Council. The president is elected by popular

vote for up to two four-year terms. All candidates for the presidency and the 290-seat, unicameral parliament are vetted by the Guardian Council, which consists of six Islamic theologians appointed by the supreme leader and six jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms.

Ahead of the March 2012 parliamentary elections, the Guardian Council disqualified one-third of the registered candidates, including incumbent members of parliament, opposition reformists, and supporters of Ahmadinejad, who had increasingly clashed with Khamenei and rival conservative factions. Members of two leading reformist political groupings, the Islamic Participation Front and the Islamic Revolution Mujahedin Organization, as well as the Freedom Movement, were barred from taking part in the legislative elections. Though there were no claims of systematic fraud, several sitting lawmakers accused the Islamic Revolutionary Guard Corps (IRGC) of rigging activities. The official results were seen as favoring the conservative supporters of the supreme leader.

In preparation for the 2013 presidential election, the parliament passed amendments to the election law in January. The changes were largely viewed as politically motivated and designed to diminish the role of Ahmadinejad's executive branch in conducting elections. Under the law, a new executive board composed of representatives aligned with the supreme leader was charged with overseeing the Interior Ministry's administration of the balloting. In May, the Guardian Council approved just eight of the 680 candidates who had registered for the presidential poll. Several leading contenders, including former president Akbar Hashemi Rafsanjani, were disqualified on what many considered to be political grounds, leaving a much narrower field of candidates, most of whom had close ties to Khamenei. Despite crackdowns on journalists and restrictions on the internet in the run-up to the vote, no major election irregularities were reported, and Rouhani's victory—with nearly 51 percent of the vote amid 72 percent turnout—appeared to reflect the choice of the voters.

Local council elections, slated for the winter of 2011 but postponed due to security concerns, were held in conjunction with the presidential election. A number of electoral problems were reported, including the disqualification of prominent political, cultural, and civic figures and the intimidation of reformist candidates.

B. Political Pluralism and Participation: 2 / 16

The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided that they do not violate the principles of "freedom, sovereignty, and national unity" or question the Islamic basis of the republic. All political parties, associations, and nongovernmental organizations (NGOs) must register with the Ministry of Interior and are subject to arbitrary restrictions. Opposition politicians and party groupings have suffered especially harsh repression since the disputed 2009 presidential election, with many leaders—including former lawmakers and cabinet ministers—facing arrest, prison sentences, and lengthy bans on political activity. Since February 2011, the former presidential candidates and prominent

opposition leaders Mir Hussein Mousavi and Mehdi Karroubi, and Mousavi's wife Zahra Rahnava, have been kept under strict house arrest without trial, incommunicado, and with only limited access to family members. At least two leading reformist parties, the Islamic Participation Front and the Islamic Revolution Mujahedin Organization, have had their licenses revoked by a court and are prevented from functioning freely.

Though non-Muslim minorities cannot hold senior government or military positions, the constitution grants five parliamentary seats to recognized religious minorities (Armenian Christians, Chaldean Christians, Zoroastrians, and Jews). The political participation and representation of religious and ethnic minorities remains weak at the national and local levels. A Zoroastrian candidate from the city of Yazd won a seat in the 2013 local council elections, reportedly marking the first victory of its kind since the 1979 revolution.

C. Functioning of Government: 2 / 12

In addition to the restrictions imposed on the elected presidency by the supreme leader and other unelected institutions, the powers of the parliament are limited by the Guardian Council. Article 94 of the constitution vests the council with the authority to review all legislation passed in the parliament, and to approve or reject bills on the basis of their adherence to Islamic precepts and constitutional law. The Guardian Council regularly invokes its supervisory powers to block legislation passed in parliament. It has acted as the single most important obstacle to the parliament's legislative jurisdiction since the 1979 revolution.

Corruption is pervasive at all levels of the bureaucracy, and oversight mechanisms to ensure transparency are weak. The hard-line clerical establishment and the IRGC, to which it has many ties, have grown immensely wealthy through their control of tax-exempt foundations that dominate many sectors of the economy. The Ahmadinejad administration gravely damaged fiscal transparency and accountability through the abolition of independent financial watchdogs and the murky transfer of profitable state companies to the IRGC and other semigovernmental conglomerates. Iran was ranked 144 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 10 / 60

D. Freedom of Expression and Belief: 2 / 16

Freedom of expression is severely limited. The government directly controls all television and radio broadcasting. Satellite dishes are popular, despite being illegal. Censorship, both official and self-imposed, is widespread, and cooperation with Persian-language satellite news channels based abroad is banned. In January 2013, over a dozen journalists working for mainly reformist newspapers were arrested for allegedly cooperating with "antirevolutionary" news outlets based outside Iran. Many were released without being formally charged. The security apparatus's harassment of the family members of Iranian journalists working abroad,

including the employees of Radio Free Europe/Radio Liberty, persisted in 2013.

The Press Supervisory Board has extensive power to prosecute journalists for such vaguely worded offenses as “mutiny against Islam,” “insulting legal or real persons who are lawfully respected,” and “propaganda against the regime.” Warnings and threats of prosecution are often used to induce self-censorship. In the run-up to the 2013 election, authorities clamped down on news and information by issuing warnings to at least six publications and blocking several pro-Ahmadinejad websites. In October 2013, the Press Supervisory Board banned the reformist newspaper *Bahar* for publishing an article that questioned the authority of the first Shiite imam, Ali, as a political rather than a religious leader. Authorities arrested the managing editor of the newspaper and the author of the article, and both were later released on bail.

Freedom of the press has slightly improved since Rouhani’s election. Honoring a campaign promise, the new president withdrew 50 government motions filed against Iranian journalists and media outlets by his predecessor. The government also lifted some restrictions on previously banned topics, such as the economic impact of international sanctions, the fate of opposition leaders, criticism of the country’s nuclear policy, and the future of U.S.-Iranian relations. Iran still ranks second in the world for the number of jailed journalists, with 35 behind bars as of December 2013, according to the New York-based Committee to Protect Journalists. In October, authorities released two high-profile journalists, Isa Saharkhiz and Bahman Ahmadi Amouyi, who had been imprisoned since 2009.

Internet penetration has skyrocketed in recent years, and many Iranians used mobile-telephone cameras and social-networking sites to provide some of the only independent coverage of the 2009 postelection crackdown. The authorities have consequently established draconian laws and practices to restrict access to communication tools, persecute dissidents for their online activity, and strengthen the government’s vast censorship apparatus. Key international social-media sites like Facebook, Twitter, and YouTube were blocked after the 2009 election, hampering the opposition’s ability to communicate and organize. The 2010 Computer Crimes Law is freighted with vaguely defined offenses that effectively criminalize legitimate online expression; the law also legalizes government surveillance of the internet. The first phase of a national intranet, aimed at disconnecting the population from the global internet, was launched in September 2012.

Iranian filmmakers are subject to tight restrictions, and many have been arrested or harassed since the 2009 election. In September 2013, the House of Cinema, an independent professional association that supported some 5,000 Iranian filmmakers and artists, reopened after the government forced its closure in January 2012.

Religious freedom is limited in Iran, whose population is largely Shiite Muslim but includes Sunni Muslim, Baha’i, Christian, Jewish, and Zoroastrian minorities. The Special Court for the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam

or criticize the supreme leader. Sunnis enjoy equal rights under the law but face discrimination in practice; there is no Sunni mosque in Tehran, and few Sunnis hold senior government posts. Sufi Muslims have also faced persecution by the authorities. Since the leader of the Sufi order Nematollahi Gonabadi was arrested in 2009 and sentenced to four years in prison, security forces have repeatedly clashed with members of the order in Gonabad and Kavar.

The constitution recognizes Zoroastrians, Jews, and Christians as religious minorities, and they are generally allowed to worship without interference, so long as they do not proselytize. Conversion by Muslims to a non-Muslim religion is punishable by death. Pressure on Christian converts and churches persisted in 2013. In May, plainclothes security forces arrested three Christian converts during a worship session in Isfahan. Also that month, the authorities shut down Iran's oldest Persian-language Protestant church in Tehran and arrested one of its pastors. In August, a court upheld the eight-year prison sentence of Iranian-American Christian convert Saeed Abedini.

Iranian Baha'is, thought to number between 300,000 and 350,000, are not recognized as a religious minority in the constitution, enjoy virtually no rights under the law, and are banned from practicing their faith. Under Ahmadinejad, concerted efforts to intimidate, imprison, and physically attack Baha'is were carried out with impunity by security forces, paramilitary groups, and vigilantes. Baha'i students are barred from attending university and prevented from obtaining their educational records. Seven Baha'i leaders who were arrested in 2008 remain imprisoned for their religious beliefs and the management of their community's administrative affairs.

Academic freedom is limited. Since 2009, between 50 and 150 university faculty members have been forced to retire or dismissed based on their personal and political opinions. A 2010 government directive barred Iranian scholars and citizens from contact with over 60 European and U.S.-based foundations, think tanks, and educational institutions. Since the 2009 presidential election, the IRGC-led Basij militia has increased its presence on campuses, and vocal critics of the regime are more likely to face persecution and prosecution. According to Iran's largest student organization, between 2009 and 2012, 396 students were banned from pursuing their studies because of their political activities. During the same period, 634 were arrested, with 30 of them sentenced to long prison terms, for exercising their rights to assembly, association, and free expression.

However, in September 2013, Iran's Ministry of Research, Science, and Technology (MSRT) announced that it would no longer target and expel students for their political and personal beliefs. Moreover, it announced that students banned from education in 2011, 2012, and 2013 would be allowed to reenroll. Those barred from pursuing their studies prior to 2011 would be required to retake the nationwide university exam. In another sign of positive change, the MSRT set up an internal committee to review the cases of university faculty members who were dismissed or forced into retirement by the previous government. Moreover, several hard-line heads of universities were dismissed from their positions,

including Sadreddin Shariati of Allameh Tabatabai University, the country's top institution for the humanities, who was instrumental in implementing gender segregation on campus and eliminating 13 branches of the social sciences from the university's curriculum.

E. Associational and Organizational Rights: 1 / 12

The constitution guarantees the right to assembly, but it prohibits public demonstrations that "are detrimental to the fundamental principles of Islam," a vague provision that is frequently invoked to deny permit requests. Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the government—most notably the Basij and Ansar-i Hezbollah—regularly play a major role in breaking up demonstrations. Even peaceful, nonpolitical demonstrations have been met with brutal violence.

Human rights discourse and grassroots activism are integral parts of Iranian society. However, the security services routinely arrest and harass secular activists as part of a wider effort to control NGOs. In early 2013, authorities summoned and arrested dozens of ethnic Arab civil society activists in Khuzestan to preempt unrest ahead of the anniversary of violent 2005 protests in the province. However, since the June 2013 elections, signs of greater tolerance for civic activism, especially on less politically charged issues, have been observed. During the summer, security forces permitted several grassroots campaigns focused on environmental topics to operate freely, without harassment or arrests.

Iranian law does not allow independent labor unions, though workers' councils are represented in the Workers' House, the only legal labor federation. Workers' public protests and May Day gatherings are regularly suppressed by security forces. In 2013, the authorities denied workers the right to hold a May Day rally, aside from officially organized ceremonies, for the sixth consecutive year.

F. Rule of Law: 3 / 16

The judicial system is not independent, as the supreme leader directly appoints the head of the judiciary, who in turn appoints senior judges. Suspects are frequently tried in closed sessions without access to legal counsel. Judges commonly accept coerced confessions and disregard torture or abuse during detention. Political and other sensitive cases are tried before revolutionary courts, where due process protections are routinely disregarded and trials are often summary. In September 2013, authorities released 11 prominent political prisoners, including human rights lawyer Nasrin Sotoudeh. This marked the largest release of high-profile prisoners in one day since the 2009 postelection protests.

The government practice of pressuring lawyers to abandon the cases of political and social detainees is widespread in Iran. Lawyers who resist such pressure can face harassment, interrogation, and incarceration. Since 2009, at least 42 attorneys have been arrested, given long prison sentences, and barred from practicing law. In recent years, the government has progressively

intervened in the affairs of the Iranian Bar Association, an independent body responsible for issuing licenses to lawyers, overseeing their performance, and legally protecting them.

The country's penal code is based on Sharia (Islamic law) and provides for flogging, amputation, and execution by stoning or hanging for a range of social and political offenses; these punishments are carried out in practice. Iran routinely ranks second only to China in number of executions, with hundreds carried out each year. While many inmates are executed for drug-related offenses, a number of political prisoners convicted of *moharebeh* (enmity against God) have also received death sentences. Iran's overall execution rate increased significantly under Ahmadinejad. In 2013 the authorities announced 334 executions, but human rights organizations estimate that as many as 290 individuals were executed without official acknowledgment.

Although the constitution prohibits arbitrary arrest and detention, such abuses are frequently employed, and family members of detainees are often not notified for days or weeks. Suspected dissidents have been held in unofficial, illegal detention centers. Prison conditions in general are notoriously poor, and there are regular allegations of abuse, rape, torture, and death in custody.

The constitution and laws call for equal rights for all ethnic groups, but in practice these rights are restricted by the regime. Minority languages are prohibited in schools and government offices. Minority rights activists are consistently threatened and arrested. Ethnic Kurds, Arabs, Balochis, and Azeris complain of discrimination. Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed. Non-Muslim minorities also face some discrimination in employment and education opportunities.

Sexual orientation is a subject of government scrutiny. The penal code criminalizes all sexual relations outside of traditional marriage, and Iran is among the few countries where individuals can be put to death for consensual same-sex conduct.

G. Personal Autonomy and Individual Rights: 4 / 16

The constitution guarantees the freedom of movement for all Iranians. However, among other restrictions, the government has prevented many political activists and journalists from leaving the country. Property rights and economic freedoms are affected by state controls, international sanctions, and the dominant role of clerical and military entities in the economy. Non-Muslims, particularly members of the Baha'i community, face economic discrimination. Authorities regularly deny Baha'is business licenses and often pressure their private employers to fire them.

A woman cannot obtain a passport without the permission of her husband or a male relative. Women are widely educated; a majority of university students are female. They are nevertheless excluded from most leadership roles. Women currently hold just 3 percent of the seats in the parliament, and they are routinely barred from running for higher office. Female judges may not

issue final verdicts. Women do not enjoy equal rights under Sharia-based statutes governing divorce, inheritance, and child custody, though some of these inequalities are accompanied by greater familial and financial obligations for men. A woman's testimony in court is given only half the weight of a man's, and the monetary compensation awarded to a female victim's family upon her death is half that owed to the family of a male victim. Women must conform to strict dress codes and are segregated from men in some public places.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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